

## REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

Claims 10-17 are amended herein and claim 18 is added herein. Thus, claims 10-18 are pending in this application. No new matter has been added.

Claims 10-15 and 17 have been amended to place them in better U.S. form, and claim 16 has been amended to distinguish over the reference cited by the Examiner.

The specification and abstract have been carefully reviewed and revised to make grammatical and idiomatic improvements in order to aid the Examiner in further consideration of the application. Amendments to the specification are contained herein. Moreover, a substitute Abstract including revisions has been prepared and is submitted herewith. Also submitted herewith is a marked-up copy of the Abstract indicating the changes incorporated therein. No new matter has been added.

Claims 10-17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Matoba et al. (U.S. Patent Application Publication No. 2002/0100047) (hereinafter referred to as "Matoba").

The above-mentioned rejections are traversed in part, and in any event the above rejections are submitted to be inapplicable to the claims for the following reasons.

Claim 10 recites a speculative recording device including, in part, chasing means for, after beginning a process of accumulating a currently-broadcast program into a file in the temporarily-stored state from a record starting time to an end of the program, beginning to play back the file at a playback starting time, wherein the user interface controlling means inputs the record starting time and the playback starting time from the user.

In contrast to the present invention, Matoba does not disclose beginning to play back the file at a playback starting time after beginning a process of accumulating a currently-broadcast program into the file in a temporarily-stored state from a record starting time to an end of the program.

Instead, Matobe discloses a method of, and an apparatus for, automatically recording programs recommended by opinion leaders selected by a user (See Abstract, lines 1-3). When a start-of-program time for a program set for timer recording is reached, a receiving unit 14

receives the program, and a recording and playing unit 16 records the video and audio data of the program. For playing back a desired program, the user enters a command into a commanding unit 11 to cause recording and playing unit 16 to extract the video and audio data of the desired program (see paras. [0043] and [0044]). Moreover, there is no disclosure or suggestion in Matobe to begin to play back a file at a playback starting time after beginning to accumulate a currently-broadcast program into the file in a temporarily-stored state from a record starting time to an end of the program.

In other words, Matobe does not disclose *chasing means for, after beginning a process of accumulating a currently-broadcast program into a file in the temporarily-stored state from a record starting time to an end of the program, beginning to play back the file at a playback starting time, wherein the user interface controlling means inputs the record starting time and the playback starting time from the user*, as recited in claim 10.

Additionally, although Matobe discloses that unit 16 records received video and audio data of programs, and extracts the video and audio data of the desired program for playing back a desired program, it does not disclose chasing means for, after beginning a process of accumulating a currently-broadcast program into a file in the temporarily-stored state from a record starting time to an end of the program, beginning to play back the file at a playback starting time.

Regarding claims that properly recite means plus function language under 35 USC § 112, sixth paragraph, MPEP section 2183 instructs that, to meet a means plus function limitation, the corresponding prior art element must perform the identical function as that specified in the claim. Thus, unless a prior art reference includes an element that performs the identical function specified in a claim, it cannot anticipate a “means-plus-function” limitation as per 35 USC § 112, sixth paragraph. Further, even if the prior art element performs the recited function, it must be an equivalent to the disclosed structure corresponding to the means limitation.

Thus, because the unit 16 does not begin to play back a file at a playback starting time after beginning a process of accumulating a currently-broadcast program into the file in the temporarily-stored state from a record starting time to an end of the program, it does not perform the identical function that is specified in the claim, and therefore, does not anticipate the “chasing means” as recited in claim 10.

For at least the reasons discussed above, it is believed clear that Matobe fails to disclose or suggest the present invention as recited in claim 10.

Regarding claims 11-13 and 16, they are patentable over Matobe for reasons similar to those set forth above in support of claim 10. That is, each of claims 11-13 and 16 similarly include *chasing means for, after beginning a process of accumulating a currently-broadcast program into a file in the temporarily-stored state from a record starting time to an end of the program, beginning to play back the file at a playback starting time.*

Claim 17 recites a speculative recording device including, in part, preprogrammed recording program selecting means for determining a program of which a preprogrammed recording is to be performed based on a first speculation score and a second speculation score, when it is impossible to simultaneously record at least one program of which a preprogrammed recording was requested and a program which is to be speculatively recorded.

In contrast to the present invention, Matoba additionally discloses that when an automatic broadcast recording apparatus 10 deletes a program recorded in the past for the purpose of recording a new program, it preferentially deletes a program of a lower playback completion level. That is, if programs whose priorities are lower than the program to be recorded are stored in the program storage memory area, then apparatus 10 deletes the program of the lowest priority from the program storage memory area to provide an area therein for storing the program to be recorded. If programs whose priorities are lower than the program to be recorded are not stored in the program storage memory area, then apparatus 10 does not record the program. Moreover, there is no disclosure or suggestion to modify Matoba such that the apparatus 10 uses the program priorities to determine which program is to be recorded when two programs are to be simultaneously recorded.

In other words, Matoba does not disclose *preprogrammed recording program selecting means for determining a program of which a preprogrammed recording is to be performed based on a first speculation score and a second speculation score, when it is impossible to simultaneously record at least one program of which a preprogrammed recording was requested and a program which is to be speculatively recorded.*

Additionally, although Matobe discloses that apparatus 10 uses priorities to determine which programs to delete from memory, it does not disclose preprogrammed recording program

selecting means for determining a program of which a preprogrammed recording is to be performed based on a first speculation score and a second speculation score, when it is impossible to simultaneously record at least one program of which a preprogrammed recording was requested and a program which is to be speculatively recorded.

Thus, because the apparatus 10 does not determine a program of which a preprogrammed recording is to be performed based on a first speculation score and a second speculation score, when it is impossible to simultaneously record at least one program of which a preprogrammed recording was requested and a program which is to be speculatively recorded, it does not perform the identical function that is specified in the claim, and therefore, does not anticipate the “preprogrammed recording program selecting means” as recited in claim 17.

For at least the reasons discussed above, it is believed clear that Matoba fails to disclose or suggest the present invention as recited in claim 17.

For at least the reasons set forth above, it is believed clear that claims 10-13, 16 and 17 are not anticipated by Matoba under 35 U.S.C. § 102(b). Furthermore, for at least the reasons set forth above, it is respectfully submitted that one of ordinary skill in the art at the time the invention was made would not have found it obvious to modify Matoba in such a manner as to result in the invention of claims 10-13, 16 and 17. Therefore, it is respectfully submitted that claims 10-12, claim 13 and claims 14 and 15 depending therefrom, claim 16, and claim 17 and claim 18 depending therefrom, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, all of the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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